

REMARKS

Claims 47-68 are pending in the application. Claims 44 and 58 have been amended.

In response to Applicants' Reply to the Office Action of January 12, 2005, filed on May 5, 2005, the Examiner has contended *inter alia* that Nickerson (U.S. Patent No. 5,926,222) discloses an "element 310 (that) has a table 514 where it takes the number of bits and the variation in pixel signal values into account" (Office Action of July 18, 2005 (hereinafter, the "Action"); page 3, lines 3-4). As will be discussed in greater detail below, Applicants not only respectfully disagree with the Examiner's characterization of Nickerson, but, further, Applicants assert that Nickerson fails to disclose a look-up table as claimed.

Claim Rejections:

35 U.S.C. § 101:

The Examiner has rejected Claims 44-46 and 58-62 under 35 U.S.C. 101 as being directed to non-statutory subject matter. In response, Applicants have amended Claims 44 and 58. Applicants believe that amended claims 44 and 58 are directed to statutory subject matter in compliance with 35 U.S.C. 101.

35 U.S.C. § 102:

The Examiner has rejected Claims 44-46 under 35 U.S.C. 102(b) as being anticipated by Nickerson. Applicants respectfully traverse the Examiner's rejection.

The Examiner maintains that Nickerson discloses a lookup table as claimed. In particular, the Examiner states that Nickerson discloses an "element 310 (that) has a table 514 where it takes the number of bits and the variation in pixel signal values into account" (Action; page 3, lines 3-4).

Applicants respectfully disagree with this characterization of Nickerson and note, in contrast to the Examiner's assertion, that Nickerson discloses wherein lookup table 514 is a "bit contribution" table addressable by a 10-bit index (comprising a 5-bit "quantized coefficient degree" and a 5-bit "zero-run degree") that returns an 8-bit entry comprising a "number of bits contributed to the encoded bitstream" and an indication of "whether to increment or initialize the zero run to be used for the next transform coefficient." (Nickerson; col. 9, lines 37-44). Nowhere does Nickerson disclose a lookup table, either table 514 or any other table, that comprises a "relationship between the number of bits and variation in pixel signal values of a plurality of video images for a variety of quantization step sizes" as recited in Claim 44. Thus, Applicants respectfully request that the rejection of Claim 44 under 35 U.S.C. 102(b) be withdrawn.

Applicants note that Claims 45 and 46 depend from Claim 44. As a result, in addition to any other bases for patentability, Applicants respectfully submit that Claims 45-46 are patentable over the cited reference by virtue of at least this dependence. Thus, Applicants respectfully request that the rejections of Claims 45 and 46 also be withdrawn.

35 U.S.C. § 103:

The Examiner has rejected Claims 47-53 and 58-68 under 35 U.S.C. 103(a) as being unpatentable over Zhang (U.S. Patent No. 5,812,195) in view of Nickerson. Applicants respectfully traverse the Examiner's rejection.

Applicants agree with the Examiner that Zhang fails to disclose a lookup table comprising a relationship between video encoding rate and variation in pixel signal values as claimed. However, Applicants respectfully disagree with the Examiner's assertion that Nickerson corrects this deficiency of Zhang.

Specifically, the Examiner, while not arguing that Nickerson directly discloses those claim elements not disclosed by Zhang, nonetheless asserts that Nickerson's

element 310 of fig. 3 elaborates the use of quantization lookup tables to establish a relationship between the video encoding rate and the variation in pixel signal values,

where “pixel data” and “SAD measures” are taken into account along with “target bitrate” to establish a link or relation between video encoding rate and the variation in pixel signal values (Action; page 7, lines 12-16)

In response, Applicants note that the Examiner has not pointed out where Nickerson discloses or suggests **a lookup table comprising a relationship between video encoding rate and variation in pixel signal values** as claimed. Applicants respectfully remind the Examiner that a *prima facie* rejection under 35 U.S.C. 103 requires that the combination of the asserted references must “teach or suggest *all* the claim limitations” (MPEP 706.02(j), emphasis added). Thus, Applicants respectfully request that the rejection of independent Claims 47, 53, 58, and 63 under 35 U.S.C. 103(a) be withdrawn.

Applicants note that Claims 48-52 depend from Claim 47, that Claims 59-62 depend from Claim 58, and that Claims 64-68 depend from Claim 63. As a result, in addition to any other bases for patentability, Applicants respectfully submit that Claims 48-52, 59-62, and 64-68 are patentable over the cited references by virtue of at least this dependence. Thus, Applicants respectfully request that the rejections of Claims 48-52, 59-62, and 64-68 also be withdrawn.

The Examiner has rejected Claims 54-57 under 35 U.S.C. 103(a) as being unpatentable over Zhang and Nickerson in view of Howe (U.S. Patent No. 5,900,865). Applicants respectfully traverse the Examiner’s rejection. In particular, Applicants assert that this rejection of Claims 54-57 suffers from the same *prima facie* failure as outlined immediately above with respect to the rejection of Claims 47-53 and 58-68. Thus, Applicants respectfully request that the rejection of Claims 54-57 also be withdrawn.

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Reply to Office Action of July 18, 2005
Attorney Docket: 42390.P10587

CONCLUSION

In view of the foregoing, it is respectfully asserted that all of the claims pending in this patent application are in condition for allowance.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666.

If the Examiner has any questions, he is invited to contact the undersigned at (503) 264-6473. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Respectfully submitted,



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